

#103-A

JONATHAN LUBELL
COHN, GLICKSTEIN, LURIE,
OSTRIN, LUBELL & LUBELL
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FILED

FILED

Attorneys for Plaintiff
Church of Scientology of California
BY _____

AUG 4 2 46 PM '82
AUG 4 3 17 PM '82
CLERK OF COURT
CENTRAL DISTRICT OF CALIF.
BY _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF
CALIFORNIA,

Plaintiff,

v.

MICHAEL J. FLYNN,

Defendant.

Civil No.

COMPLAINT FOR DAMAGES

o0o

JURY DEMAND

Plaintiff, by its attorneys Cohn, Glickstein, Lurie,
Ostrin, Lubell and Lubell, as and for its complaint against
Defendant, alleges as follows:

I.

JURISDICTION AND PARTIES

1. This Court has jurisdiction of the within actions
under the provisions of 28 U.S.C. Section 1332. The matter in

1 controversy exceeds, exclusive of interest and costs, the sum
2 of Ten Thousand Dollars \$10,000.00.

3 2. Plaintiff Church of Scientology of California
4 (hereinafter CSC) is a not for profit religious corporation
5 duly organized under the laws of California with its principal
6 place of business in the County of Los Angeles, State of
7 California.

8 3. Upon information and belief, Defendant
9 Michael Flynn (hereinafter "Flynn") is a resident of the
10 Commonwealth of Massachusetts.

11 4. At all times herein mentioned, Plaintiff has been
12 and still is engaged in the dissemination and advancement of
13 the religious beliefs of Scientology, a religion founded by
14 L. Ron Hubbard, whose writings and teachings formed the basis
15 of the religion. In 1979, CSC was the ecclesiastical "Mother
16 Church" of many Churches then organized throughout the United
17 States for the purpose of advancing and maintaining the
18 religious doctrines, tenets and practices of Scientology.

19
20 JURY DEMAND

21 5. Plaintiff demands trial by jury as to this entire
22 action.

23
24 CAUSE OF ACTION

25 (Defamation)

26
27 6. On June 25, 1983, Flynn spoke to a gathering of
28 persons in Los Angeles, California (hereinafter "speech") upon

1 information and belief, said gathering consisted of more than
2 eighty people.

3 7. During the said speech, Flynn uttered the
4 following words:

5
6 "Among the things that occurred to me in the
7 four years that I have been litigating with an
8 enormous organization that has a few people that
9 control huge amounts of money, to hire armies of
10 lawyers to try to destroy me and my clients and
11 whether you know it or not yet, people like
12 yourself, is what the whole war and game and
13 battle is about.

14 In October 1979, shortly after I rejected an
15 offer from the Church of Scientology that is to
16 say whoever that is to get a refund for a client
17 which I'm going to explain to you a little bit
18 about, I was flying up to South Bend, Indiana and
19 my airplane engine quit after an hour and a half
20 in the flight, and for those of you who are
21 pilots, you know that any degree of condensation
22 you pick up on a pre flight examination from your
23 fuel tanks. Well I was an hour and a half into
24 the flight and we lost power entirely and we made
25 an emergency landing and my eleven year old son
26 was in the plane, another lawyer and a college
27 classmate of mine, a Vietnam Veteran, and we
28 drained off quarts of water from my fuel tanks.

1 And as I indicated, it was shortly after I
2 rejected an offer that I'm going to talk to you
3 people about."

4 * * *

5 "And that's when their lawyer showed up and
6 offered me a check for her money plus a little
7 bit. And I told the lawyer what he could do with
8 his check and that took place shortly before the
9 plane incident. Now for a number of years, I
10 dismissed the plane incident as being simply too
11 preposterous to believe that this organization
12 could do it."

13
14 8. Upon information and belief, by the aforesaid
15 statement alleged in paragraph 6 above, Flynn intended to
16 convey and did convey to the audience the defamatory meaning
17 that the Church of Scientology had attempted to murder him in
18 October, 1979, by putting water in the gas tanks of his
19 airplane.

20 9. Upon information and belief, the audience that
21 heard Flynn's statement at the meeting or in any recording of
22 that speech understood said statement to mean that the Church
23 of Scientology had attempted to murder him in October, 1979, by
24 putting water in the gas tanks of his airplane.

25 10. The meaning of said statement to a reasonable
26 person was that the Church of Scientology had attempted to
27 murder Flynn in October, 1979, by putting water in the gas
28 tanks of his airplane.

1 11. Upon information and belief, the aforesaid false
2 and defamatory statement, referring to the Church of
3 Scientology, was intended by Flynn and understood by the
4 listening public to be of and concerning Plaintiff, who was in
5 1979 the "Mother Church" and identified by Flynn in various
6 documents and statements as the Church entity responsible for
7 alleged actions against Church critics and adversaries.

8 12. By the aforesaid statement, Flynn charged
9 Plaintiff with the commission of serious criminal conduct.

10 13. Upon information and belief, at the time of the
11 aforesaid statement, Flynn knew it to be false and made it
12 intentionally and recklessly for the purpose of damaging
13 Plaintiff.

14 14. Upon information and belief, Flynn made the
15 aforementioned defamatory statement with reckless disregard as
16 to the truth or falsity of it and of its meaning to the
17 listening audience.

18 15. Upon information and belief, Flynn made the
19 aforesaid defamatory statement knowing that he did not know
20 whether it was true.

21 16. By reason of the aforesaid acts and omissions of
22 Defendant, Plaintiff has sustained serious actual damages,
23 including but not limited to the following:

24 a. Plaintiffs' reputation has been grievously
25 injured.

26 b. Plaintiffs' ability to conduct religious
27 affairs to advance and disseminate the principles and practices
28 of Scientology have necessarily been substantially impaired.

1 c. Plaintiff has received, after the said
2 speech, from persons who heard the speech, requests for
3 repayments of monies advanced to Plaintiff and for refunds from
4 Plaintiff totalling in excess of \$10,000.

5 d. Plaintiff has incurred and will continue to
6 incur expenses, in an amount which cannot at this time be fully
7 determined, to correct Defendant's defamatory statements.

8
9 WHEREFORE, Plaintiff demands judgment against
10 Defendant in the amount of \$1,000,000 as actual damages,
11 including no less than \$10,000 of special damages, and in the
12 amount of \$1,000,000 as exemplary damages, together with the
13 costs and disbursements of this action, including fair and
14 reasonable allowances for counsel fees and other lawful
15 expenses.

16
17 DATED: August 4, 1983

18
19 COHN, GLICKSTEIN, LURIE,
20 OSTRIN, LUBELL & LUBELL

21
22 By

Jonathan W. Lubell

JONATHAN LUBELL
Attorneys for Plaintiff
Church of Scientology of
California

Car 23

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF
COMPLAINT FOR DAMAGES

I have read the foregoing

and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☒ an Officer ☐ a partner ☐ a _____ of Church of
Scientology of California

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on August 4, 1983 at Los Angeles California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

X Howard A. Barthol
Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____

on _____ 19____.

Signature

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On _____ 19____, I served the foregoing document described as _____

on _____

in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at: _____

addressed as follows: _____

☐ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at _____, California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee. Executed on _____ 19____ at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Signature

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (For more detailed instructions, see separate instruction sheet.)

PLAINTIFFS

CHURCH OF SCIENTOLOGY
OF CALIFORNIA

DEFENDANTS

MICHAEL J. FLYNN

COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES) CO

es
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Essex
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JONATHAN LUBELL (212) 757-4000
COHN, GLICKSTEIN, LURIE, OSTRIN,
LUBELL & LUBELL
1370 Avenue of the Americas
New York, NY 10019

ATTORNEYS (IF KNOWN)

(PLACE AN ☐ IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION
(U.S. NOT A PARTY) ☒ 4 DIVERSITY

**IF DIVERSITY, INDICATE
CITIZENSHIP ON REVERSE.
(28 USC 1332, 1441)**

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DEFAMATION -- DIVERSITY OF CITIZENSHIP

(PLACE AN ☒ IN ONE BOX ONLY)

NATURE OF SUIT

		ACTIONS UNDER STATUTES			
CONTRACT	TORTS	CIVIL RIGHTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES Cont.
<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 MARINE <input type="checkbox"/> 130 MILLER ACT <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT <input type="checkbox"/> 151 MEDICARE ACT <input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS <input type="checkbox"/> 160 STOCKHOLDERS SUITS <input type="checkbox"/> 190 OTHER CONTRACT <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY	PERSONAL INJURY <input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY <input checked="" type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY <input type="checkbox"/> 362 PERSONAL INJURY-MED. MALPRACTICE <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 JOBS <input type="checkbox"/> 443 ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 610 AGRICULTURE <input type="checkbox"/> 620 FOOD & DRUG <input type="checkbox"/> 630 LIQUOR LAWS <input type="checkbox"/> 640 R.R. & TRUCK <input type="checkbox"/> 650 AIRLINE REGS. <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 420 TRUSTEE <input type="checkbox"/> 421 TRANSFER (915b) <input type="checkbox"/> 422 APPEAL (801)	<input type="checkbox"/> 450 COMMERCE ICC RATES, ETC. <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES COMMODITIES EXCHANGE <input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
				PROPERTY RIGHTS <input type="checkbox"/> 820 COPYRIGHT <input type="checkbox"/> 830 PATENT <input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES COMMODITIES EXCHANGE
				SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC (405 (g)) <input type="checkbox"/> 863 DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g))	<input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT
		PRISONER PETITIONS	LABOR	TAX SUITS <input type="checkbox"/> 870 TAXES <input type="checkbox"/> 871 IRS-THIRD PARTY 26 USC 7609 <input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
REAL PROPERTY <input type="checkbox"/> 210 CONDEMNATION <input type="checkbox"/> 220 FORECLOSURE <input type="checkbox"/> 230 RENT LEASE & EJECTMENT <input type="checkbox"/> 240 TORTS TO LAND <input type="checkbox"/> 245 TORT PRODUCT LIABILITY <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	PERSONAL PROPERTY <input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 510 VACATE SENTENCE (2255) <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 540 MANDAMUS & OTHER <input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 710 FAIR LABOR STANDARDS <input type="checkbox"/> 720 LABOR/MGMT. RELATIONS <input type="checkbox"/> 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT <input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 790 OTHER LABOR LITIGATION <input type="checkbox"/> 791 EMPL. RET. INC. SECURITY ACT	OTHER STATUTES <input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTI-TRUST <input type="checkbox"/> 430 BANKS AND BANKING	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS

(PLACE AN ☒ IN ONE BOX ONLY)

ORIGIN

☐ 5 Transferred from another district (specify)

☐ 7 Appeal to District Judge from Magistrate Judgment

UNITED STATES DISTRICT COURT

(Continued on Reverse Side)

NY-71 (01/83)